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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER	
CANELLA, KAREN A	
ART UNIT	PAPER NUMBER
1642	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/738,625	GLAZIER, ARNOLD	
	Examiner	Art Unit	
	Karen A Canella	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Acknowledgement is made of applicant's election of Group III and the further elections of glutamate carboxypeptidase II. Upon review and reconsideration, the Restriction requirement of July 9, 2004 is hereby withdrawn and replaced with the following.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

II. Claims1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a collagenase, a gelatinase, or stromelysin 3, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2..

III. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix

metalloproteinase I receptor, matrilysin receptor or a matripase receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.. Matripase is placed with this group to the extent that it is a matrix metalloproteinase. A brief search of the literature indicates that the term "matripase" is not recognized in the art.

IV. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is an alpha V beta 3 integrin or a laminin receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

V. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

VI. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a fibroblast activation protein receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

VII. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a folate binding receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

VIII. Claims1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a plasmin or urokinase receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

IX. Claims1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a melanocyte stimulating hormone receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

X. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a sigma receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

XI. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a seprase receptor or a trypsin receptor, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

XII. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

XIII. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is norepinephrine transporters or peripheral benzodiazepan binding receptors, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

XIV. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands

binds to a first target receptor which is glutamate carboxypeptidase II, classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

XV. Claims 1-23 and 27-29, drawn to an anticancer drug or a set of anticancer drugs, wherein the anticancer drug or the set of anticancer drugs comprises tumor selective targeting ligands which differ from each other within the drug or and within the set of drugs and methods of treating cancer comprising the administration of said drugs, wherein one of the tumor selective targeting ligands binds to a first target receptor which is guanidinobenzoatase , classified, for example, in class 424, subclasses 130.1 and 178.1, and class 514, subclass 2.

XVI. Claims 24-26, drawn to a method of stimulating an immune response against a tumor and for treating a patient with cancer comprising immunizing a patient with a neoadjuvant, classified in class 424, subclass 184.1.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions of Groups I through XV are structurally and functionally different products which are made by different methods and have different uses. The examination of all groups would require different searches in the U.S. Patent Shoes and the scientific literature and would require the consideration of different patentability issues.

Inventions I through XV are related to Invention XVI as products and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the porducts of any of Groups I through XV can be used in a method of treating cancer by unmasking a prodrug dlifered in vivo which does not require the stimulation of an immune response in order to treat the tumor.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their recognized divergent subject matter and because the searches required for the groups are not co-extensive, restriction for examination purposes as indicated is proper.

4. Claims 1-23 and 27-29 link(s) inventions I through XV. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 1-23 and 27-29. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

5. In the event that applicant elects group I, a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a collagenase, a gelatinase, or stromelysin 3,

B. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

C. an alpha V beta 3 integrin or a laminin receptor,

D. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

E. a fibroblast activation protein receptor,

F. a folate binding receptor,

G. a plasmin or urokinase receptor,

H. a melanocyte stimulating hormone receptor

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

6. In the event that applicant elects group II, a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

C. an alpha V beta 3 integrin or a laminin receptor,

D. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

E. a fibroblast activation protein receptor,

F. a folate binding receptor,

G. a plasmin or urokinase receptor,

H. a melanocyte stimulating hormone receptor

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

7. In the event that applicant elects group III a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. an alpha V beta 3 integrin or a laminin receptor,

D. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

E. a fibroblast activation protein receptor,

F. a folate binding receptor,

G. a plasmin or urokinase receptor,

H. a melanocyte stimulating hormone receptor

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

8. In the event that applicant elects group IV a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

E. a fibroblast activation protein receptor,

F. a folate binding receptor,

G. a plasmin or urokinase receptor,

H. a melanocyte stimulating hormone receptor

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

9. In the event that applicant elects group V a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a fibroblast activation protein receptor,

F. a folate binding receptor,

G. a plasmin or urokinase receptor,

H. a melanocyte stimulating hormone receptor

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

10. In the event that applicant elects group VI a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a folate binding receptor,

G. a plasmin or urokinase receptor,

H. a melanocyte stimulating hormone receptor

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

11. In the event that applicant elects group VII a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a plasmin or urokinase receptor,

H. a melanocyte stimulating hormone receptor

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

12. In the event that applicant elects group VIII a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a folate binding receptor,

H. a melanocyte stimulating hormone receptor

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

13. In the event that applicant elects group IX a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a folate binding receptor,

H. a plasmin or urokinase receptor,

I. a sigma receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

14. In the event that applicant elects group X a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a folate binding receptor,

H. a plasmin or urokinase receptor,

I. a melanocyte stimulating hormone receptor

J. a seprase receptor or a trypsin receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

15. In the event that applicant elects group XI a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a folate binding receptor,

H. a plasmin or urokinase receptor,

I. a melanocyte stimulating hormone receptor

J. a sigma receptor

K. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

16. In the event that applicant elects group XII a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a folate binding receptor,

H. a plasmin or urokinase receptor,

I. a melanocyte stimulating hormone receptor

J. a sigma receptor

K. a seprase receptor or a trypsin receptor,

L. norepinephrine transporters or peripheral benzodiazepan binding receptors,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

17. In the event that applicant elects group XIII a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a folate binding receptor,

H. a plasmin or urokinase receptor,

I. a melanocyte stimulating hormone receptor

J. a sigma receptor

K. a seprase receptor or a trypsin receptor,

L. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

M. glutamate carboxypeptidase II, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

18. In the event that applicant elects group XIV a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a folate binding receptor,

H. a plasmin or urokinase receptor,

I. a melanocyte stimulating hormone receptor

J. a sigma receptor

K. a seprase receptor or a trypsin receptor,

L. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

M. norepinephrine transporters or peripheral benzodiazepan binding receptors, and

N. guanidinobenzoatase.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

19. In the event that applicant elects group XV a further election of the following patentably distinct species will apply to targeting ligands that bind to the second target receptor which are selected from the group consisting of

A. a cathepsin protease, cathepsin B, cathepsin D, cathepsin K, cathepsin L or cathepsin O,

B. a collagenase, a gelatinase, or stromelysin 3r,

C. a matrix metalloproteinase receptor, a membrane type matrix metalloproteinase receptor, receptors for MMP1, MMP2, MMP3, MMP7, MMP9, MMP12, and MMP13, a membrane-type matrix metalloproteinase I receptor, matrilysin receptor or a matripase receptor,

D. an alpha V beta 3 integrin or a laminin receptor,

E. a bombesin/gastrin releasing peptide receptor, a gastrin/cholecystokinin type B receptor, or a somatostatin receptor,

F. a fibroblast activation protein receptor,,

G. a folate binding receptor,

H. a plasmin or urokinase receptor,

I. a melanocyte stimulating hormone receptor

J. a sigma receptor

K. a seprase receptor or a trypsin receptor,

L. a nitrobenzylthioinosine-binding receptors or nucleoside transporter proteins,

M. norepinephrine transporters or peripheral benzodiazepan binding receptors, and

N. glutamate carboxypeptidase II..

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23 and 27-29 are generic.

20. In the event that applicant elects Group XVI, a further election of the following patentably distinct species is required:

One of the species recited in claim 25. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 24-26 are generic.

21. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

22. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen A Canella whose telephone number is (571)272-0828. The examiner can normally be reached on 10 a.m. to 9 p.m. M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571)272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen A. Canella, Ph.D.
12/27/2004